

Docket No.: 058799-0104



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Taku NAKAMURA, et al.	:	Confirmation Number: 4967
Application No.: 10/762,323	:	Group Art Unit: 2621
Filed: January 23, 2004	:	Allowed: June 02, 2008
	:	Examiner: A. S. Rao
For: RECEIVER, CPU AND DECODER WITH IMPROVED SIGNAL DECODING	:	

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the June 02, 2008 Notice of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the reasoning set forth in the Statement, particularly to the extent if any that the wording used in the Statement may differ from the actual claim language and/or the otherwise proper interpretation of the claim language.

The Statement sets forth a single rationale for patentability with respect to all of the allowed claims and in so doing overlooks differences between the claims. For example, the Statement characterizes two independent claims as directed to a decoding apparatus. Claim 10 relates to a decoding apparatus, but claim 16 recites a receiver. Furthermore, the language of Statement purports to be a quotation; and, although it appears somewhat similar to the language

of the last two paragraphs of each of the independent claims, the Statement language does not accurately reflect the actual language of either of those two independent claims. For example, the quotation in the Statement ends with the recitation that the “data signal c-an[sic] be decoded by the vide decoder or the audio decoder.” However, the phrase “can be decoded by the video decoder or the audio decoder” was deleted from both of independent claims 10 and 16 in the March 6, 2008 amendment. The Statement also indicates that claims 11-15 and 17-25 are allowable for “the reasons concerning the independent claims.” In this regard, the Statement seems to miss-characterize independent claims 17, 19 and 20 as if they depend from claim 10 or from claim 16. The claims differ as to language and scope, and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested (misstated) by the Statement.

The patentable language of the allowed claims is already of record in the case and is adequately clear. Applicants’ positions on patentability also are already of record in this case. It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants’ prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

10/762,323

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George". The signature is fluid and cursive, with the first name "Keith" being more prominent.

Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:MWE
Facsimile: 202.756.8087
Date: August 22, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**